

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

AMANDA CARTER,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:06-cv-1251-DFH-TAB
)	
JO ANNE B. BARNHART, Commissioner)	
of the Social Security Administration,)	
)	
Defendant.)	

ORDER ON MOTION TO DISMISS

Defendant has moved to dismiss this action on the basis that plaintiff missed by several days the 60 day time limit for seeking judicial review of her final decision. 42 U.S.C. § 405(g). Plaintiff has not responded to the motion. The complaint itself shows that it was filed too late, and the attachment shows that plaintiff was informed of the time limit. Cf. *Bowen v. City of New York*, 476 U.S. 467, 481 (1986) (noting value of time limit but allowing equitable tolling where government had relied on secret and unlawful policy to deny benefits). Accordingly, the defendant's motion must be granted. The court will enter final judgment for the defendant

So ordered.

Date: November 30, 2006



DAVID F. HAMILTON, JUDGE
United States District Court
Southern District of Indiana

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